

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

FLASHPOINT TECHNOLOGY, INC.

Plaintiff,

v.

AIPTEK, INC., *et al.*

Defendants.

C.A. No. 08-00139-GMS
(Consolidated)

JOINT MOTION FOR ADDITIONAL PAGES OF MARKMAN BRIEFING

The parties jointly request an increase in the page limits for opening claim construction briefs, from twenty to thirty pages, to address disputes on eight of the patents that remain at issue in this consolidated litigation. As opening briefs are due on April 23, 2015, the parties respectfully request a decision on this issue before that date.

Good cause exists for this increase. The parties diligently met and conferred to reduce the claim construction disputes before the court, pursuant to the Scheduling Order (D.I. 464 (entered June 25, 2014)). Indeed, the parties reached agreement on a substantial number of claim terms. Yet, with eight asserted patents with claim terms in dispute, significant claim construction issues remain. These are set forth in the Joint Claim Chart (D.I. 553).

Thus, while the Court's standard page limits may be sufficient for the typical patent case involving a few patents, the parties respectfully submit that a slight increase is appropriate here. A twenty-page opening brief would provide only about two-and-a-half pages per patent, for FlashPoint and the several defendants (which have different patents

asserted against them) to collectively address the various disputes remaining. (There are now, on average, just under seven disputed claim terms per patent.) An increase to thirty pages, in contrast, would provide a more reasonable amount of space—slightly under four pages per patent. The parties believe such an increase is warranted here, in order to effectively frame the disputes for the Court in the opening briefs. Moreover, limiting the increase to ten additional pages will avoid burdening the Court with unnecessary briefing.

The limit for answering claim construction briefs would remain unchanged, at twenty pages. A proposed order granting this motion is attached.

Dated April 10, 2015

Respectfully submitted,

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